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[Incident Review](#)
[Investigation](#)

Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
03B IMPROPER SEARCH OF PERSON -	-	-	-	-	-	-	-

row(s) 1 - 1 of 1

Log No: 1085406 Type:CR

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View CERECERES, ANTHONY	CLOSED/FINAL	UNFOUNDED	-	-	-	31-MAY-2017	N/A
View ZAMOJSKA, MARTA	PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	SUSTAINED	SUSPENSION	2	-	31-MAY-2017	View
View HICKEY, JAMES	CLOSED/FINAL	NOT SUSTAINED	-	-	-	31-MAY-2017	N/A
View SCHULZ, ANTHONY	CLOSED/FINAL	UNFOUNDED	-	-	-	11-SEP-2017	N/A

row(s) 1 - 4 of 4

Attachments

No. Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1 FACE SHEET	N/A	-	-	-	JACKSON, ANGELA	MAY-31-2017 12:10	-	-	-
View 2 CONFLICT CERTIFICATION	N/A	-	-	-	FRANKO, LINDA	JUN-07-2017 09:44	-	-	-
View 3 CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	YES	FRANKO, LINDA	JUN-09-2017 10:08	APPROVED	-	YES
View 4 AUDIO INTERVIEW	N/A	1	[REDACTED]	YES	FRANKO, LINDA	JUN-08-2017 11:27	APPROVED	-	YES
View 5 SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	[REDACTED]	YES	FRANKO, LINDA	JUN-09-2017 10:09	APPROVED	-	YES
View 6 REPORT (OTHER)	N/A	2	utline - [REDACTED]	YES	FRANKO, LINDA	JUN-09-2017 10:11	APPROVED	-	YES
View 7 ARREST REPORT	N/A	5	[REDACTED]	NO	JACKSON, ANGELA	MAY-31-2017 12:34	APPROVED	-	YES
View 8 GENERAL OFFENSE CASE REPORT	N/A	3	RD# [REDACTED]	NO	JACKSON, ANGELA	MAY-31-2017 12:36	APPROVED	-	YES
View 9 OEMC EVENT QUERY	N/A	4	[REDACTED]	NO	FRANKO, LINDA	JUN-09-2017 11:14	APPROVED	-	YES
View 10 ATTENDANCE AND ASSIGNMENT RECORD	N/A	10	Unit [REDACTED] watch (24 May 17)	NO	FRANKO, LINDA	JUN-09-2017 11:17	APPROVED	-	YES
View 11 INVENTORY SHEET	N/A	2	[REDACTED] suspect cannabis)	NO	FRANKO, LINDA	JUN-09-2017 11:19	APPROVED	-	YES
View 12 INVENTORY SHEET	N/A	2	[REDACTED] suspect cannabis)	NO	FRANKO, LINDA	JUN-09-2017 11:22	APPROVED	-	YES
View 13 INVENTORY SHEET	N/A	2	[REDACTED] (suspect cannabis)	NO	FRANKO, LINDA	JUN-09-2017 11:24	APPROVED	-	YES
View 14 INVENTORY SHEET	N/A	2	[REDACTED] (Money USC)	NO	FRANKO, LINDA	JUN-09-2017 11:25	APPROVED	-	YES
View 15 INVENTORY SHEET	N/A	2	[REDACTED] (Personal Property)	NO	FRANKO, LINDA	JUN-09-2017 11:26	APPROVED	-	YES

View	16	INVENTORY SHEET	N/A	2	[REDACTED]	NO	FRANKO, LINDA	JUN-09-2017 11:27	APPROVED	-	YES
View	17	PHOTOGRAPH	N/A	1	Mugshot photo [REDACTED]	NO	FRANKO, LINDA	JUN-09-2017 11:28	APPROVED	-	YES
View	18	CONFLICT CERTIFICATION	N/A	-	-	-	SANGSTER, ERICA	JUL-05-2017 11:40	-	-	-
View	19	CONFLICT CERTIFICATION	N/A	-	-	-	SHAH, ANISH	JUL-06-2017 15:17	-	-	-
View	20	INVESTIGATOR CASE LOG	N/A	1	Former R/I's log	YES	SHAH, ANISH	JUL-28-2017 14:20	APPROVED	-	YES
View	21	REPORT (OTHER)	N/A	1	Request for in-car video	YES	SHAH, ANISH	JUL-28-2017 14:21	APPROVED	-	YES
View	22	GPS DATA	N/A	7	-	YES	SHAH, ANISH	JUL-28-2017 14:21	APPROVED	-	YES
View	23	REQUEST FOR PHOTOS	N/A	1	-	YES	SHAH, ANISH	JUL-28-2017 14:22	APPROVED	-	YES
View	24	REPORT (OTHER)	N/A	1	Request for BWC	YES	SHAH, ANISH	JUL-28-2017 14:22	APPROVED	-	YES
View	25	REQUEST FOR COOK COUNTY JAIL INMATE INTERVIEW	N/A	3	[REDACTED]	YES	SHAH, ANISH	JUL-28-2017 14:23	APPROVED	-	YES
View	26	REQUEST FOR PHOTOS	N/A	1	Response to request for photos	YES	SHAH, ANISH	JUL-28-2017 14:25	APPROVED	-	YES
View	27	REPORT (OTHER)	N/A	1	Request for Lock-up video footage	YES	SHAH, ANISH	JUL-28-2017 14:26	APPROVED	-	YES
View	28	VIDEO RECORDING	N/A	3	Response to in-car and BWC video request	YES	SHAH, ANISH	JUL-28-2017 14:27	APPROVED	-	YES
View	29	COMPLAINANT STATEMENT	N/A	22	[REDACTED]	YES	SHAH, ANISH	JUL-28-2017 14:28	APPROVED	-	YES
View	30	POD REQUEST	N/A	5	POD Search	YES	SHAH, ANISH	JUL-28-2017 14:29	APPROVED	-	YES
View	31	SUPERVISOR LOG	N/A	11	-	YES	SHAH, ANISH	JUL-28-2017 14:30	APPROVED	-	YES
View	32	REPORT (OTHER)	N/A	2	Lock-up video Response	YES	SHAH, ANISH	JUL-28-2017 14:31	APPROVED	-	YES
View	33	WITNESS NOTIFICATION FOR GARBACZ, MARISSA	WITNESS - GARBACZ, MARISSA	-	-	-	SHAH, ANISH	SEP-14-2017 12:23	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	34	ACCUSED NOTIFICATION OF ALLEGATIONS FOR SCHULZ, ANTHONY	ACCUSED - SCHULZ, ANTHONY	-	-	-	SHAH, ANISH	SEP-14-2017 12:26	PENDING ACCUSED ACKNOWLEDGMENT	-	-
View	35	ACCUSED NOTIFICATION OF ALLEGATIONS FOR ZAMOJSKA, MARTA	ACCUSED - ZAMOJSKA, MARTA	-	-	-	SHAH, ANISH	SEP-14-2017 12:33	ACCUSED ACKNOWLEDGED ALLEGATIONS	-	-
View	36	ACCUSED NOTIFICATION OF ALLEGATIONS FOR CERECERES, ANTHONY	ACCUSED - CERECERES, ANTHONY	-	-	-	SHAH, ANISH	SEP-14-2017 12:35	PENDING ACCUSED ACKNOWLEDGMENT	-	-
View	37	ACCUSED NOTIFICATION OF ALLEGATIONS FOR HICKEY, JAMES	ACCUSED - HICKEY, JAMES	-	-	-	SHAH, ANISH	SEP-14-2017 12:40	PENDING ACCUSED ACKNOWLEDGMENT	-	-
View	38	REQUEST FOR INTERVIEW/STATEMENT/REPORT	OTHER INV. PARTY - GARBACZ, MARISSA	1	-	YES	SHAH, ANISH	SEP-22-2017 16:12	APPROVED	-	YES
View	39	AUDIO INTERVIEW	OTHER INV. PARTY - GARBACZ, MARISSA	1	-	YES	SHAH, ANISH	SEP-22-2017 15:46	APPROVED	-	YES
View	40	REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	OCT-05-2017 13:39	APPROVED	-	YES
View	41	NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	OCT-05-2017 13:40	APPROVED	-	YES
View	42	ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	OCT-05-2017 13:40	APPROVED	-	YES
	43			1	-	YES			APPROVED	-	YES

View	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - ZAMOJSKA, MARTA				SHAH, ANISH	OCT-05-2017 13:40			
View	44 AUDIO INTERVIEW	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	OCT-05-2017 13:41	APPROVED	-	YES
View	45 REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - CERECERES, ANTHONY	1	-	YES	SHAH, ANISH	OCT-25-2017 09:18	APPROVED	-	YES
View	46 NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - CERECERES, ANTHONY	1	-	YES	SHAH, ANISH	OCT-25-2017 09:18	APPROVED	-	YES
View	47 ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - CERECERES, ANTHONY	1	-	YES	SHAH, ANISH	OCT-25-2017 09:19	APPROVED	-	YES
View	48 WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - CERECERES, ANTHONY	1	-	YES	SHAH, ANISH	OCT-25-2017 09:19	APPROVED	-	YES
View	49 AUDIO INTERVIEW	ACCUSED - CERECERES, ANTHONY	1	-	YES	SHAH, ANISH	OCT-25-2017 09:20	APPROVED	-	YES
View	50 REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - HICKEY, JAMES	1	-	YES	SHAH, ANISH	OCT-25-2017 09:21	APPROVED	-	YES
View	51 NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - HICKEY, JAMES	1	-	YES	SHAH, ANISH	OCT-25-2017 09:21	APPROVED	-	YES
View	52 ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - HICKEY, JAMES	1	-	YES	SHAH, ANISH	OCT-25-2017 09:23	APPROVED	-	YES
View	53 WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - HICKEY, JAMES	1	-	YES	SHAH, ANISH	OCT-25-2017 09:24	APPROVED	-	YES
View	54 AUDIO INTERVIEW	ACCUSED - HICKEY, JAMES	1	-	YES	SHAH, ANISH	OCT-25-2017 09:24	APPROVED	-	YES
View	55 REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	NOV-03-2017 12:11	APPROVED	-	YES
View	56 NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	NOV-03-2017 12:11	APPROVED	-	YES
View	57 ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	NOV-03-2017 12:12	APPROVED	-	YES
View	58 WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	NOV-03-2017 12:12	APPROVED	-	YES
View	59 AUDIO INTERVIEW	ACCUSED - SCHULZ, ANTHONY	1	Part 1	YES	SHAH, ANISH	NOV-03-2017 12:12	APPROVED	-	YES
View	60 AUDIO INTERVIEW	ACCUSED - SCHULZ, ANTHONY	1	Part 2	YES	SHAH, ANISH	NOV-03-2017 12:13	APPROVED	-	YES
View	61 INVESTIGATOR CASE LOG	N/A	2	-	YES	SHAH, ANISH	DEC-11-2017 11:13	APPROVED	-	YES
View	62 SUMMARY REPORT	N/A	13	-	YES	SHAH, ANISH	DEC-28-2017 15:42	APPROVED	-	YES
View	63 REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-14-2018 16:06	APPROVED	-	YES
View	64 NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-14-2018 16:06	APPROVED	-	YES
View	65 ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-14-2018 16:06	APPROVED	-	YES
View	66 WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-14-2018 16:06	APPROVED	-	YES
View	67 AUDIO INTERVIEW	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-14-2018 16:07	APPROVED	-	YES
View	68 REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-16-2018 10:36	APPROVED	-	YES
View	69 NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-16-2018 10:36	APPROVED	-	YES
View	70 ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-16-2018 10:37	APPROVED	-	YES

View	71	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED - ZAMOJSKA, MARTA	1	-	YES	SHAH, ANISH	MAR-16-2018 10:37	APPROVED	-	YES
View	72	STATEMENT OF POLICE OFFICER	N/A	32	Officer Marta Zamojska's 2nd Statement	YES	SHAH, ANISH	APR-17-2018 10:46	APPROVED	-	YES
View	73	SUPPLEMENTAL SUMMARY REPORT	N/A	7	-	YES	SHAH, ANISH	APR-24-2018 14:52	APPROVED	-	YES
View	74	WITNESS NOTIFICATION FOR SCHULZ, ANTHONY	WITNESS - SCHULZ, ANTHONY	-	-	-	SHAH, ANISH	JUL-30-2018 10:01	PENDING WITNESS ACKNOWLEDGEMENT	-	-
View	75	REQUEST FOR INTERVIEW/STATEMENT/REPORT	OTHER INV. PARTY - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	AUG-29-2018 11:28	APPROVED	-	YES
View	76	AUDIO INTERVIEW	OTHER INV. PARTY - SCHULZ, ANTHONY	1	-	YES	SHAH, ANISH	AUG-29-2018 11:08	APPROVED	-	YES
View	77	SUPPLEMENTAL SUMMARY REPORT	N/A	13	2nd Supplemental Summary Report	YES	SHAH, ANISH	NOV-09-2018 09:02	APPROVED	-	YES
View	-	POLICE BOARD 2-57-060 REVIEW REQUEST	N/A	22	Request for Police Board Review	-	DOMAIN, ALEXANDRA	FEB-22-2019 10:24	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	5	Third DNC Letter	NO	CONNOLLY, LUKE	JAN-29-2019 16:20	APPROVED	-	YES
View	-	DISCIPLINARY HISTORY	N/A	2	-	-	DOMAIN, ALEXANDRA	DEC-28-2017 16:08	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	2	Disciplinary Memo	-	DOMAIN, ALEXANDRA	DEC-28-2017 16:09	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	1	Resolution Letter	-	DOMAIN, ALEXANDRA	MAR-21-2018 08:41	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	6	DNC letter	NO	CONNOLLY, LUKE	FEB-22-2018 11:58	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	2	Disciplinary Memo (2)	YES	SHAH, ANISH	APR-24-2018 14:43	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	6	Second DNC Letter	NO	CONNOLLY, LUKE	MAY-22-2018 13:52	APPROVED	-	YES
View	-	REPORT (OTHER)	N/A	1	DNC Resolution Letter	-	DOMAIN, ALEXANDRA	JUL-20-2018 09:48	APPROVED	-	YES

row(s) 1 - 86 of 86

Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents☒ **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History☒ **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	29-JAN-2019 16:21	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	29-JAN-2019 16:18	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	Upload DNC
PENDING SUPERINTENDENT DECISION	14-DEC-2018 12:36	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	Case already completed CCR. Two prior DNC's. To Supt Decision
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	26-NOV-2018 08:55	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	23-NOV-2018 12:10	HEARTS-GLASS, ANGELA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	09-NOV-2018 09:08	SANGSTER, ERICA	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	09-NOV-2018 09:04	SHAH, ANISH	INVESTIGATOR 3 COPA		113 / -	-

PENDING ADDITIONAL INVESTIGATION	20-JUL-2018 09:48	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL			
PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	22-MAY-2018 13:53	CONNOLLY, LUKE	SERGEANT OF POLICE	121 / -	-	
PENDING ADVOCATE REVIEW	22-MAY-2018 13:51	CONNOLLY, LUKE	SERGEANT OF POLICE	121 / -	Upload DNC letter	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	27-APR-2018 10:20	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-	
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	24-APR-2018 17:06	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR	113 / -	-	
PENDING C.O.P.A. COORDINATOR REVIEW	24-APR-2018 15:46	SANGSTER, ERICA	SUPERVISING INV COPA	113 / -	-	
PENDING INVESTIGATIVE REVIEW	24-APR-2018 14:53	SHAH, ANISH	INVESTIGATOR 3 COPA	113 / -	-	
PENDING ADDITIONAL INVESTIGATION	09-MAR-2018 13:33	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR	113 / -	-	
PENDING REVIEW AFTER SUPERINTENDENT DECISION	22-FEB-2018 12:26	CONNOLLY, LUKE	SERGEANT OF POLICE	121 / -	-	
PENDING ADVOCATE REVIEW	22-FEB-2018 11:57	CONNOLLY, LUKE	SERGEANT OF POLICE	121 / -	Upload DNC letter	
PENDING SUPERINTENDENT DECISION	26-JAN-2018 18:25	WATSON, LARRY	DEP CHIEF	212 / -	-	
PENDING COMMAND CHANNEL REVIEW	03-JAN-2018 12:33	CARTER, ERIC	DEP CHIEF	141 / -	-	
PENDING COMMAND CHANNEL REVIEW	03-JAN-2018 10:33	DOSS, DARREN	COMMANDER	141 / -	-	
PENDING COMMAND CHANNEL REVIEW	02-JAN-2018 18:13	HOLT, ELGIN	COMMANDER	212 / -	-	
PENDING COMMAND CHANNEL REVIEW	02-JAN-2018 17:03	BRADLEY, WILLIAM	COMMANDER	006 / -	-	
PENDING COMMAND CHANNEL REVIEW	02-JAN-2018 16:40	SAM, CINDY	COMMANDER	701 / -	-	
PENDING COMMAND CHANNEL REVIEW	02-JAN-2018 14:11	COSTELLO, ROBERT	SERGEANT OF POLICE	121 / -	-	
PENDING ADVOCATE REVIEW	02-JAN-2018 09:50	OLIVER, MELVIN	POLICE OFFICER	007 / 121	-	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	28-DEC-2017 16:12	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	28-DEC-2017 16:11	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	28-DEC-2017 16:09	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
CLOSED AT C.O.P.A.	28-DEC-2017 16:07	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
CLOSED AT C.O.P.A.	28-DEC-2017 16:07	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
CLOSED AT C.O.P.A.	28-DEC-2017 16:07	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-	
CLOSED AT C.O.P.A.	28-DEC-2017 16:07	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
CLOSED AT C.O.P.A.	28-DEC-2017 16:07	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-	
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	28-DEC-2017 16:06	DOMAIN, ALEXANDRA	CLERK 3	113 / -	-	
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	28-DEC-2017 15:49	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR	113 / -	jh	
PENDING CHIEF ADMINISTRATOR REVIEW	28-DEC-2017 15:48	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR	113 / -	-	
PENDING C.O.P.A. COORDINATOR REVIEW	28-DEC-2017 15:47	SANGSTER, ERICA	SUPERVISING INV COPA	113 / -	-	
PENDING INVESTIGATIVE REVIEW	28-DEC-2017 15:46	SHAH, ANISH	INVESTIGATOR 3 COPA	113 / -	-	
PENDING INVESTIGATION	05-JUL-2017 11:40	SANGSTER, ERICA	SUPERVISING INV COPA	113 / -	-	
PENDING ASSIGN INVESTIGATOR	03-JUL-2017 11:21	OLVERA, MARIA	SUPERVISING INV COPA	113 / -	-	
PENDING ASSIGN TEAM	03-JUL-2017 11:16	OLVERA, MARIA	SUPERVISING INV COPA	113 / -	-	
PENDING INVESTIGATION	06-JUN-2017 15:01	OLVERA, MARIA	SUPERVISING INV COPA	113 / -	Type Changed from INFO to CR on 06-JUN-2017 15:01 by OLVERA, MARIA Affidavit information for this Log Number has changed on 06-JUN-2017 15:01 by OLVERA, MARIA	
PENDING ASSIGN INVESTIGATOR	06-JUN-2017 13:34	OLVERA, MARIA	SUPERVISING INV COPA	113 / -	-	
PENDING ASSIGN TEAM	31-MAY-2017 13:19	DEAN, BRUCE	SUPERVISING INV COPA	113 / -	-	
PENDING SUPERVISOR REVIEW	31-MAY-2017 13:18	DEAN, BRUCE	SUPERVISING INV COPA	113 / -	-	
PRELIMINARY	31-MAY-2017 13:16	DEAN, BRUCE	SUPERVISING INV COPA	113 / -	-	

PRELIMINARY	31-MAY-2017 13:11	DEAN, BRUCE	SUPERVISING INV COPA	[REDACTED]	113 / -	toward her
PENDING SUPERVISOR REVIEW	31-MAY-2017 13:03	JACKSON, ANGELA	INVESTIGATOR I COPA	[REDACTED]	113 / -	-
PRELIMINARY	31-MAY-2017 12:10	JACKSON, ANGELA	INVESTIGATOR I COPA	[REDACTED]	113 / -	-

row(s) 1 - 49 of 49

Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
CERECERES, ANTHONY 1		SAM, CINDY
CERECERES, ANTHONY 2		DOSS, DARREN
CERECERES, ANTHONY 3		CARTER, ERIC
ZAMOJSKA, MARTA 1		BRADLEY, WILLIAM
ZAMOJSKA, MARTA 2		WATSON, LARRY
HICKEY, JAMES 1		SAM, CINDY
HICKEY, JAMES 2		DOSS, DARREN
HICKEY, JAMES 3		CARTER, ERIC
SCHULZ, ANTHONY 1		BRADLEY, WILLIAM
SCHULZ, ANTHONY 2		HOLT, ELGIN

row(s) 1 - 10 of 10

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1085406TYPE
CRDATE OF REPORT
28-DEC-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: ☒ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORIT

☐ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
SHAH, ANISH	9181				

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 7528 S. LAFAYETTE AVE, CHICAGO, IL 60620	DATE / TIME 24-MAY-2017 18:05	BEAT: 623
INCIDENT ADDRESS: 7808 S. HALSTED ST, CHICAGO, IL 60620	DATE / TIME 24-MAY-2017 19:05	BEAT: 621

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
CERECERES, ANTHONY M	9161	19293				M / S	1968	1998	YES	YES
ZAMOJSKA, MARTA K	9161	8309				F / WHI	1980	2013	YES	YES
HICKEY, JAMES R	9161	11523				M / S	1976	1999	YES	YES
SCHULZ, ANTHONY W	9171	887				M / WHI	1970	1996	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	
				M / BLK	
				F / BLK	

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
GARBACZ, MARISSA	RANK: 9161, STAR NO: 17624, EMP NO: 1			F / WHI	1988 / 29

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO

1085406

TYPE

CR

DATE OF REPORT

28-DEC-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

ALLEGATIONS

See page 3.

SUMMARY

See pages 4-9.

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
			62

FINDINGS - RECOMMENDATIONS

See pages 9-12.

DATE INITIATED
(Date incident was received for investigation)

06-JUN-2017

DATE COMPLETED (Date of this report)

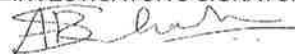
28-DEC-2017

ELAPSED TIME
(Total time expressed in days)

205

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

SUMMARY OF INCIDENT

On May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., Chicago, Illinois, [REDACTED] ("[REDACTED]"), [REDACTED] ("[REDACTED]"), and their 12year old daughter, [REDACTED] ("[REDACTED]"), were stopped for disobeying a turn signal indicator by Officers Anthony Cereceres #19293, James Hickey #11523 and Sergeant Anthony Schulz #887. Officers Marta Zamojska #8309 and Marissa Garbacz #17624 were called to the scene for female assistance. The officers found cannabis inside the vehicle and on the occupants. [REDACTED] alleges the officers and sergeant's actions during the traffic stop amount to misconduct, COPA¹ reviews these allegations.

ALLEGATIONS

It is alleged that on May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., the accused, **Officer James Hickey #11523:**

1. Directed multiple profanities towards [REDACTED] and [REDACTED] and
2. Handcuffed [REDACTED] too tightly and refused to loosen the handcuffs.

It is alleged that on May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., the accused, **Officer Anthony Cereceres #19293:**

1. Directed multiple profanities towards [REDACTED] and [REDACTED] and
2. Questioned a minor without parental consent.

It is alleged that on May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., the accused, **Officer Marta Zamojska #8309:**

1. Questioned a minor without parental consent, and
2. Searched a minor without parental consent.

It is alleged that on May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., the accused, **Sgt. Anthony Schulz #887:**

1. Directed multiple profanities towards [REDACTED] and [REDACTED] and
2. Unnecessarily displayed his weapon.

APPLICABLE RULES AND LAWS

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty
- Rule 38:** Unlawful or unnecessary use or display of a weapon

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

G01-01: Mission Statement and Core Values

G03-02-02: Force Options

S04-13-09: Investigatory Stop System

The Fourth Amendment of the United States Constitution

Illinois State Law

INVESTIGATION

Statements

In [REDACTED] (“[REDACTED]”) audio statement to IPRA conducted on June 1, 2017, [REDACTED] stated that she, [REDACTED], [REDACTED] were stopped by police officers when traveling to their house. [REDACTED] stated that when they were pulled over, the officers approached their vehicle with their “guns out.” [REDACTED] stated that the officers told them to put their hands in the air, which they did. [REDACTED] stated she told the officer that [REDACTED] was in the vehicle to which the officer holstered his weapon. [REDACTED] stated the officer opened her door. [REDACTED] stated the officers questioned [REDACTED] and [REDACTED]. [REDACTED] indicated that an officer asked [REDACTED] whether he had his license, but [REDACTED] did not have it. [REDACTED] stated that the officer handcuffed [REDACTED], searched him, and placed him into a police vehicle. [REDACTED] stated she attempted to see [REDACTED] interaction with the officers, but the sergeant told her to turn around.

[REDACTED] stated that she and [REDACTED] exited the vehicle and officers searched it. [REDACTED] stated an officer found a rolled “blunt” in the passenger’s door. [REDACTED] stated that an officer asked her if she had additional contraband on her to which she answered, “no.” [REDACTED] said the officers asked her why she has marijuana with her while [REDACTED] is inside the vehicle. [REDACTED] stated that the officers searched the vehicle, but did not find additional contraband. While outside, [REDACTED] stated an officer called for a female officer to come to the scene. [REDACTED] stated that the female officer searched [REDACTED] and found cannabis in [REDACTED] bra. [REDACTED] then stated she does not know whether [REDACTED] was patted down or whether [REDACTED] willingly gave the cannabis to the officer. [REDACTED] said that the female officer asked [REDACTED] where did [REDACTED] get the cannabis and [REDACTED] said from [REDACTED]. [REDACTED] stated that the female officer neither asked nor told [REDACTED] that she would search [REDACTED]. [REDACTED] stated she did not see the female officer search [REDACTED]. [REDACTED] stated that she did not know that the female officer searched and talked to [REDACTED]. [REDACTED] said that she does not know whether the officers asked or told [REDACTED] that the officers would search or talk to [REDACTED] because [REDACTED] was inside the police vehicle.

[REDACTED] stated that the male officers then called [REDACTED] and [REDACTED] “stupid motherfuckers” and stated, “why would he give the cannabis to his daughter.” [REDACTED] stated the male officers again called her and [REDACTED] “stupid motherfuckers” and that “they do not care about their daughter.” [REDACTED] stated that when she was trying to get her belongings from the vehicle, the officers told her that “[her daughter] got more fucking common sense than you.” [REDACTED] stated that the officers arrested [REDACTED], took their vehicle for impoundment, and released her and [REDACTED] (Att. 4)

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

IPRA and COPA contacted [REDACTED] public defender and private attorney via telephone and electronic mail numerous times to interview [REDACTED]; however, the attempts were met with negative results. (Att. 61)

Officer Anthony Cereceres' ("Officer Cereceres") audio statement to COPA was conducted on October 24, 2017. Officer Cereceres stated he approached the passenger side of [REDACTED] and [REDACTED] vehicle stating, "show me your hands" and "show me your fucking hands." Officer Cereceres said he did not hear the other officers use profanity when approaching the vehicle. Officer Cereceres stated he does not recall if anyone had their weapon displayed. Officer Cereceres stated he saw a blunt on the passenger door. Officer Cereceres described [REDACTED] as nervous because she was stuttering and was not directly answering his questions. Officer Cereceres stated, after [REDACTED] exited the vehicle, he patted down and asked [REDACTED] questions related to the drugs in the vehicle. Officer Cereceres stated he did not use profanity at this time. Officer Cereceres stated he searched the passenger side of the vehicle and did not find additional contraband. Officer Cereceres stated that Sgt. Schulz came to the passenger side of the vehicle when he was speaking to [REDACTED] and [REDACTED] went towards the back of the vehicle with Sgt. Schulz.

Officer Cereceres stated that he opened the rear passenger door because he heard [REDACTED] crying. Officer Cereceres said he talked to [REDACTED] to calm her down. Officer Cereceres stated that [REDACTED] said she did not want her parents to go to jail. Officer Cereceres stated that he did not ask [REDACTED] or [REDACTED] for permission to speak [REDACTED]. Officer Cereceres stated that he did not search or conduct a pat down on [REDACTED]. After Officers Zamojska and Garbacz arrived, Officer Cereceres stated that Officer Zamojska went towards [REDACTED] but he did not hear the conversation between them. Officer Cereceres stated that Officer Zamojska recovered cannabis from [REDACTED], but he does not know whether Officer Zamojska searched [REDACTED] or whether [REDACTED] gave the cannabis to Officer Zamojska.

Officer Cereceres stated that Officer Hickey handcuffed [REDACTED]. Officer Cereceres stated he does not recall if [REDACTED] complained about the handcuffs. Officer Cereceres stated he did not hear [REDACTED] ask other officers to loosen the handcuffs. Officer Cereceres said he did not see injuries on [REDACTED], and that Officer Hickey did not say anything about injuries to him. Officer Cereceres indicated that he did not hear Sgt. Schulz or Officer Hickey use profanity. (Att. 49)

Officer James Hickey's ("Officer Hickey") audio statement to COPA was conducted on October 24, 2017. Officer Hickey stated he approached the driver's side of [REDACTED] and [REDACTED] vehicle with Sgt. Schulz. Officer Hickey stated he did not use profanity when approaching the vehicle. Officer Hickey stated he does not recall what Sgt. Schulz said when approaching the vehicle. Officer Hickey stated that the officers did not have their weapons unholstered. Officer Hickey said that Sgt. Schulz had his Taser positioned in the low ready position. After hearing Officer Cereceres' verbal commands, Officer Hickey stated he opened the driver's door to get a clear view of inside the vehicle because the windows were dark. Officer Hickey stated that [REDACTED] was "basically just sitting in the driver's seat." Officer Hickey stated he asked [REDACTED] for his driver's license to which [REDACTED] relayed that [REDACTED] did not have one. Officer Hickey stated that [REDACTED] exited the vehicle and Officer Hickey placed him into custody. Officer Hickey stated that he told [REDACTED] to step to the back of the vehicle. Officer Hickey stated he did not use profanity at this point. Once [REDACTED] was at the rear of the vehicle, Officer Hickey stated he conducted a

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

protective pat down on [REDACTED]. Officer Hickey said he spoke to Sgt. Schulz, who ran [REDACTED] identification over the radio. Officer Hickey said the dispatcher informed Sgt. Schulz that [REDACTED] did not have a valid driver's license, therefore, Sgt. Schulz decided [REDACTED] would be arrested. Officer Hickey stated that [REDACTED] never resisted.

Officer Hickey stated that [REDACTED] neither complained about the handcuffs nor requested for them to be loosened. Officer Hickey stated that [REDACTED] did not say the handcuffs were too tight. Officer Hickey said he did not hear whether [REDACTED] asked Officer Cereceres or Sgt. Schulz to loosen the handcuffs. Officer Hickey stated that he was next to [REDACTED] the entire time and [REDACTED] did not say anything about the handcuffs. Officer Hickey also stated that [REDACTED] did not complain about the handcuffs while at the 6th District. Officer Hickey stated he did not notice any injuries on [REDACTED].

Officer Hickey stated he does not know what Officer Cereceres was doing once Officer Hickey was with [REDACTED]. After Officers Zamojska and Garbacz arrived, Officer Hickey stated they patted down [REDACTED]. Officer Hickey stated that he does not know Officer Zamojska's actions after the pat down. (Att. 54)

Officer Marta Zamojska's ("Officer Zamojska") audio statement to COPA was conducted on October 5, 2017. Officer Zamojska stated that she was called for female assistance. Once she arrived, Officer Zamojska stated she patted down [REDACTED] and during the pat down she did not speak to [REDACTED] about [REDACTED]. Officer Zamojska stated she talked to Sgt. Schulz, but does not recall what was said. Officer Zamojska stated she learned that [REDACTED] was in the vehicle and Sgt. Schulz told Officer Zamojska to check on [REDACTED]. Officer Zamojska said that she did not ask [REDACTED] or [REDACTED] for permission prior to approaching [REDACTED]. Officer Zamojska said she does not recall where [REDACTED] and [REDACTED] were at this time. Officer Zamojska stated that [REDACTED] did not know her exact age, but described her as a minor. Officer Zamojska stated that she asked [REDACTED] whether she had anything on her because [REDACTED] was nervous. [REDACTED] said no. Officer Zamojska stated she does not recall if she asked [REDACTED] anything else. Officer Zamojska stated she patted down [REDACTED] waist, stomach, and chest. Officer Zamojska stated that she conducted a pat down on [REDACTED] because (1) she was called for female assistance and [REDACTED] is a female; (2) Sgt. Schulz told her to check on [REDACTED]; (3) [REDACTED] was "very nervous;" and (4) she has experience where minors carry weapons. Officer Zamojska indicated that she "felt a bulge on [REDACTED] chest." Officer Zamojska said that narcotics were then recovered. Officer Zamojska stated that [REDACTED] was compliant and [REDACTED] continued to repeat that she had to use the restroom. Officer Zamojska stated that [REDACTED] told her that [REDACTED] gave her the narcotics. After the narcotics were recovered, Officer Zamojska stated she was calming [REDACTED] down and talked about school with her.

Officer Zamojska stated that [REDACTED] was already handcuffed and in custody when she arrived at the scene. Officer Zamojska stated she does not recall if [REDACTED] said anything to her when she transported him to the district. Officer Zamojska stated that she does not recall if [REDACTED] complained about anything during the transport. Officer Zamojska stated that [REDACTED] did not complain about anything at the district. Officer Zamojska stated that she does not recall if [REDACTED] said anything about handcuffs. Officer Zamojska stated she did not see any weapons or hear profanity. (Att. 44)

Sgt. Anthony Schulz's ("Sgt. Schulz") audio statement to COPA was conducted on November 3, 2017. Sgt. Schulz stated that while he approached [REDACTED] and [REDACTED] vehicle, he heard Officer Cereceres saying "hands, hands, show me your hands, stop moving, show me your hands." Sgt. Schulz stated that he did not give any verbal commands when approaching. Sgt. Schulz stated that [REDACTED] appeared to be nervous because of the "look on his face" and "the way he was turning his head and body." Sgt. Schulz stated that [REDACTED] followed the order to put his hands up. Sgt. Schulz stated that he pulled his Taser out for officer safety because he heard Officer Cereceres saying verbal commands. Sgt. Schulz stated he pointed his Taser in various directions, including at [REDACTED]. Sgt. Schulz stated that "it is up to the individual officer" and "the totality of circumstances" when drawing their Taser. Sgt. Schulz stated that the vehicle's windows were tinted enough that he was unable to have a clear view inside the vehicle. Sgt. Schulz stated that [REDACTED] was arrested. Sgt. Schulz stated he did not hear [REDACTED] refer to his handcuffs during the incident. Sgt. Schulz stated that he did not speak to [REDACTED] and had no interaction with [REDACTED] once he was placed into custody.

Sgt. Schulz stated that he does not recall any conversation between [REDACTED] and Officer Hickey. Sgt. Schulz stated he spoke to [REDACTED] about her identification, the traffic stop, and keeping her hands on the vehicle. Sgt. Schulz stated he did not use profanity towards [REDACTED]. Sgt. Schulz stated he saw Officer Cereceres talking to [REDACTED] but he did not hear the conversation. Once Officers Zamojska and Garbacz arrived, Sgt. Schulz indicated that [REDACTED] was placed in their vehicle. Sgt. Schulz stated that Officer Zamojska spoke to [REDACTED] but did not hear their conversation. Sgt. Schulz stated that Officer Zamojska approached and spoke to [REDACTED] because [REDACTED] was upset, crying, and nervous. Sgt. Schulz stated that Officer Zamojska told him that [REDACTED] had cannabis on her. Sgt. Schulz stated he did not use profanity during this incident. Sgt. Schulz stated he does not recall the other officers using profanity, but after watching the video footage, he heard Officer Cereceres say "fucking" once. (Atts. 59, 60)

Officer Marissa Garbacz's ("Officer Garbacz's") audio statement to COPA was conducted on September 22, 2017. Officer Garbacz stated that she was called to search a female. When she arrived, Officer Garbacz stated that one of the officers asked her to place [REDACTED] in her vehicle. Officer Garbacz stated she was with [REDACTED] majority of the time while at the scene. Officer Garbacz said that [REDACTED] did not say anything to her. Officer Garbacz stated she did not see Officer Zamojska search anyone. Officer Garbacz stated she saw the rear passenger door open with Officer Zamojska looking into the vehicle. Officer Garbacz stated that Officer Zamojska later told her that Officer Zamojska conducted a pat down on [REDACTED], [REDACTED] unzipped her hoodie, Officer Zamojska saw a bulge, and found cannabis underneath [REDACTED] shirt. Officer Garbacz stated she approached [REDACTED] and Officer Zamojska once [REDACTED] exited the vehicle. Officer Garbacz stated they talked about school and told [REDACTED] that "everything would be okay" because she was nervous. Officer Garbacz stated she did not hear Officer Zamojska ask [REDACTED] about drugs or the traffic stop until Officer Zamojska later told her. Officer Garbacz stated she "does not recall" when asked specific questions. (Att. 39)

Video Evidence

Officer Cereceres' Body-Worn Camera ("BWC") depicts him approaching the passenger side saying "hands, hands, hands, let me see your hands, don't fuck around..." Officer Cereceres is seen looking inside the vehicle and finding a blunt in the passenger door. At this moment, an officer is heard referring to his Taser. Officer Cereceres searches and questions [REDACTED]. Officer Cereceres is shown searching the front passenger area. [REDACTED] is heard telling [REDACTED] to stop crying. Officer Cereceres is heard asking [REDACTED] about the cannabis in the vehicle while her daughter is occupying it. [REDACTED] says [REDACTED] does not have a license. Sgt. Schulz is seen arriving to the rear passenger side and Officer Cereceres tells [REDACTED] to step with Sgt. Schulz. Officer Cereceres asks [REDACTED] two questions and turns off his BWC. (Att. 28)

Officer Hickey's BWC depicts him approaching the driver side. He opens the door and [REDACTED] is seen with his hands in the air. An officer is then heard saying, "Want me to [inaudible] Taser at you." (Att. 28)

Sgt. Schulz's BWC depicts Sgt. Schulz standing behind Officer Hickey with his Taser in his right hand. The video shows [REDACTED] with his hands in the air, exiting the vehicle, and Officer Hickey handcuffing [REDACTED]. Sgt. Schulz walks to the other side of the vehicle and steps towards the back with [REDACTED]. Sgt. Schulz and [REDACTED] are heard talking about why [REDACTED] and [REDACTED] were stopped. Sgt. Schulz is heard providing [REDACTED] information over the radio. The dispatcher is heard saying [REDACTED] does not have a valid driver's license. There is no profanity heard in Sgt. Schulz's BWC. (Att. 28)

Officers Zamojska and Garbacz's in-car camera depicts [REDACTED] handcuffed in the back seat. The video depicts [REDACTED] moving in the back seat. [REDACTED] is heard yelling and swearing. A female officer is heard speaking to [REDACTED]. The female officer is heard: (1) asking [REDACTED] "do you have anything on you;" (2) telling [REDACTED] to "remove everything from your pocket;" (3) telling [REDACTED] not to be scared; (4) telling [REDACTED] to "open the zipper;" (5) calling for the sergeant after saying "oh damn;" and (6) asking [REDACTED] "what you gave me is that it, do you have anything else on you?" A male officer is heard speaking to [REDACTED] about what was found. [REDACTED] begins to cry and the female officer is calming her down. Many aspects of the video are inaudible due to noise. (Att. 28)

Documentary Evidence

[REDACTED] **Arrest Report**, CB # [REDACTED], dated May 24, 2017, and the **Original Case Incident Report**, RD # [REDACTED], indicate Officers Cereceres and Hickey curbed [REDACTED] for a traffic violation. [REDACTED] was unable to produce a valid driver's license or proof of insurance; therefore, he was placed into custody. Officer Hickey recovered cannabis in [REDACTED] pocket, and Officer Cereceres recovered a rolled-up cigar containing cannabis in the passenger side door. Officer Zamojska recovered a bag of cannabis from under [REDACTED] sweatshirt. The reports state that [REDACTED] related that her father saw the police vehicle and handed [REDACTED] a bag of drugs to hide for him. [REDACTED] stated, without being asked, "all the weed is mine." The reports indicate [REDACTED] transported to the 6th District for processing. The charges listed on the reports relate to traffic violations and cannabis. (Atts. 7, 8)

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

IPRA requested **Crime Scene/Evidence photographs**; however, CPD Forensic Services' Photography Team stated that no photographs related to the case are on file. (Atts. 23, 26)

IPRA conducted a **POD search** around the incident location; however, there are no PODs in the area that would have captured the incident. (Att. 30)

On July 12, 2017, IPRA requested **video footage** from the 6th District's processing and interview rooms for May 24, 2017. However, the requested video footage has a thirty day retention period and was no longer available at the date of request. (Att. 27, 32)

ANALYSIS/CONCLUSION

Officer Hickey

COPA recommends a finding of Unfounded for **Allegation #1** against Officer Hickey, that he directed multiple profanities towards [REDACTED] and [REDACTED]. The allegation is contradictory and inconsistent to the evidence gathered through COPA's investigation. [REDACTED] alleged that male officers called [REDACTED] and [REDACTED] "stupid motherfuckers" multiple times. Officer Hickey was one of the male officers involved in this incident. In his statement, Officer Hickey stated he did not use profanity towards anyone. The BWC and additional officer statements corroborate his statement. Officer Hickey is not heard using profanity at any point of the incident in the BWC footage. Likewise, in their statements, Officer Cereceres said Officer Hickey did not use profanity towards [REDACTED] and [REDACTED]. Officer Zamojska also stated she did not hear profanity once she arrived on scene. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #1 against Officer Hickey.

COPA recommends a finding of Not Sustained for **Allegation #2** against Officer Hickey, that he handcuffed [REDACTED] too tightly and refused to loosen the handcuffs. Officer Hickey stated that [REDACTED] neither complained about the handcuffs being tight nor requested them to be loosened while on the street or at the 6th District. Officer Hickey stated that he was next to [REDACTED] the entire time and [REDACTED] did not say anything about the handcuffs. Officer Hickey also indicated that he did not hear [REDACTED] ask Officer Cereceres or Sgt. Schulz to loosen the handcuffs. Similarly, Officer Cereceres and Sgt. Schulz said they did not recall or hear [REDACTED] complain about the handcuffs, ask for them to be loosened, or refer to the handcuffs during the incident. [REDACTED] is not seen or heard complaining about the handcuffs in the BWC footage. In fact, while sitting in the back seat, [REDACTED] is seen moving around in fury. There is insufficient evidence to attribute the allegation to Officer Hickey or to the actions of [REDACTED] himself. Therefore, COPA recommends a finding of Not Sustained for Allegation #2.

Officer Cereceres

COPA recommends a finding of Unfounded for **Allegation #1** against Officer Cereceres, that he directed multiple profanities towards [REDACTED] and [REDACTED]. The allegation is contradictory and inconsistent to the evidence gathered through COPA's investigation. [REDACTED] alleged that male officers called [REDACTED] and [REDACTED] "stupid motherfuckers" multiple times. Officer Cereceres was

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

one of the male officers involved in this incident. Although Officer Cereceres admitted and is heard saying “don’t fuck around” once, he did not use other profanity after that. The BWC footage corroborates his statement as he is not heard using profanity multiple times or using different profanities. Therefore, COPA recommends a finding of Unfounded for Allegation #1 against Officer Cereceres.

COPA recommends a finding of Exonerated for **Allegation #2** against Officer Cereceres, that he questioned a minor without parental consent. Officer Cereceres is seen and heard asking [REDACTED] questions related to her age and where she was coming from prior to being stopped. Officer Cereceres is not required to receive consent to question a juvenile. Officer Cereceres can question any passenger within the vehicle. Nonetheless, Officer Cereceres spoke to [REDACTED] in presence of her mother, [REDACTED]. [REDACTED] was a few feet away and would have been able to object, but there is no evidence that [REDACTED] objected during the incident. Moreover, Officer Cereceres stated he heard [REDACTED], a juvenile, crying and that he talked to her to calm her down. Although Officer Cereceres did not ask [REDACTED] parents for permission to speak to [REDACTED], he engaged in general on-the-scene questioning in the fact-finding process of the investigation. [REDACTED] was not in custody, arrested, or interrogated. Officer Cereceres informally questioned [REDACTED]. [REDACTED] was not the focus of the investigation. [REDACTED] was the focus of the investigation because he was arrested and charged. Therefore, COPA recommends a finding of Exonerated for Allegation #2 against Officer Cereceres.

Officer Zamojska

COPA recommends a finding of Exonerated for **Allegations #1** against Officer Zamojska, that she questioned a minor without parental consent. Officer Zamojska admitted to questioning [REDACTED]; however, she is not required to receive consent to question a juvenile. Officer Zamojska can question any passenger within the vehicle. Although Officer Zamojska did not ask [REDACTED] parents for permission to question [REDACTED], she engaged in general on-the-scene questioning in the fact-finding process of the investigation. [REDACTED] was not in custody, arrested, or interrogated. Officer Zamojska informally questioned [REDACTED] by asking [REDACTED] whether she has “anything on her.” After locating the cannabis, Officer Zamojska asked [REDACTED] where the cannabis came from. This question relates to the focus of the investigation regarding [REDACTED], who was arrested and charged for possession of cannabis. [REDACTED] was never the focus of the investigation. Therefore, COPA recommends a finding of Exonerated for Allegations #1 against Officer Zamojska.

COPA recommends a finding of Sustained for **Allegation #2** against Officer Zamojska, that she searched a minor without parental consent. Since all passengers are seized for the duration of a traffic stop, an officer may, for their protection, “frisk” or pat down the passenger for weapons if they have reasonable suspicion that the suspect is armed and dangerous.² To justify a protective pat down, the officer must reasonably believe that the person is armed and dangerous.³ The purpose

² *Terry v. Ohio*, 392 U.S. 1 (1968). See also *Arizona v. Johnson*, 555 U.S. 323 (2009); *Brendlin v. California*, 551 U.S. 249 (2007).

³ *People v. Jackson*, 366 Ill.Dec.164, 170 (1st Dist. 2012).

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

of the pat down is for officer safety and not to gather evidence. Also, the right to frisk does not automatically follow a stop.⁴

Similarly, S04-13-09(c)(2) closely tracks the language of Illinois statute, 725 ILCS 5/108-1.01, which provides in relevant part that “When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons.” However, Illinois courts have interpreted 725 ILCS 5/108-1.01 to adhere to the United States Supreme Court’s Fourth Amendment jurisprudence which requires that an officer believe the individual is armed and dangerous before performing a pat down during an investigatory stop.⁵

Even though [REDACTED] was a passenger of the traffic stop, Officer Zamojska did not have the right to frisk [REDACTED] because she did not reasonably believe that [REDACTED] was armed and dangerous. In her statement, Officer Zamojska stated that she conducted a pat down on [REDACTED] because [REDACTED] was “very nervous” and she has experience where minors carry weapons. Even though Officer Zamojska believed [REDACTED] was nervous, she did not state she believed [REDACTED] was armed and dangerous. Without more reasoning, it is unreasonable for her to believe [REDACTED] was armed and dangerous. Moreover, [REDACTED] demeanor can be attributed to the situation and the numerous police officers interacting with her and her parents. Furthermore, Officer Zamojska’s intention to pat down [REDACTED] was to gather evidence by determining whether [REDACTED] possessed contraband. Although she stated she has experience where minors carry weapons, at no time did Officer Zamojska assert that she specifically patted down [REDACTED] due to safety concerns or reasonably believe [REDACTED] was dangerous. This is a strict violation of the Fourth Amendment, CPD’s General Orders, and Illinois State Law. Therefore, COPA recommends a finding of Sustained for Allegation #2 against Officer Zamojska.

Sgt. Schulz

COPA recommends a finding of Unfounded for **Allegation #1** against Sgt. Schulz, that he directed multiple profanities towards [REDACTED] and [REDACTED]. The allegation is contradictory and inconsistent to the evidence gathered through COPA’s investigation. [REDACTED] alleged that male officers called [REDACTED] and [REDACTED] “stupid motherfuckers” multiple times. Sgt. Schulz was one of the male officers involved in this incident. In his statement, Sgt. Schulz stated he did not use profanity towards [REDACTED] or during this incident. Sgt. Schulz’s BWC and additional officer statements corroborate his statement. There is no profanity heard in his BWC. Officer Cereceres indicated that he did not hear Sgt. Schulz use profanity. Officer Zamojska also stated she did not hear profanity once she arrived on scene. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #1 against Sgt. Schulz.

COPA recommends a finding of Exonerated for **Allegation #2** against Sgt. Schulz, that he unnecessarily displayed his weapon. Determining whether Sgt. Schulz’s display of his Taser was proper is fact dependent. In Sgt. Schulz’s BWC, he is seen with his Taser unholstered and saying, “want me to [inaudible] Taser at you” when in front of [REDACTED] vehicle door. In his statement,

⁴ *People v. Ware*, 264 Ill. App. 3d 650 (1st Dist. 1994).

⁵ *See, e.g., People v. Walker*, 2013 IL App (4th) 120118.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085406

Sgt. Schulz admitted to pulling his Taser out and pointing it in various directions including at [REDACTED]. Sgt. Schulz also indicated that he displayed his Taser because he heard Officer Cereceres stating verbal commands and for officer safety.

Even though Jackson is seen with his hands in the air sitting in his seat when his door was opened, in that moment, he could have attempted to create distance between himself and the arresting officer. Additionally, Officer Cereceres stated "hands, hands, hands, let me see your hands" while approaching the vehicle. It was reasonable for Sgt. Schulz to unholster his Taser after hearing Officer Cereceres' verbal commands and in the event [REDACTED] attempted to run. Therefore, COPA recommends a finding of Exonerated for Allegation #2 against Sgt. Schulz.

[REDACTED]
[REDACTED] or Anish Shah
[REDACTED]
Supervising Investigator Erica Sangster
[REDACTED]
Deputy Chief Investigator Josh Hunt

SUPPLEMENTAL SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 24, 2017
Time of Incident:	6:30 PM
Location of Incident:	7528 S. LaFayette Ave., Chicago, Illinois
Date of COPA Notification:	May 31, 2017
Time of COPA Notification:	12:10 PM

On May 24, 2017 at 6:30 PM around 7528 S. LaFayette Ave., Chicago, Illinois, [REDACTED] ("[REDACTED]"), [REDACTED] ("[REDACTED]"), and their 12-year-old daughter, [REDACTED] ("[REDACTED]"), were stopped for a traffic violation by Officers Anthony Cereceres #19293, James Hickey #11523 and Sergeant Anthony Schulz #887. Officers Marta Zamojska #8309 and Marissa Garbacz #17624 were called to the scene for female assistance. Once Officer Zamojska arrived, she conducted a pat down of both [REDACTED] and [REDACTED], and ultimately a search of [REDACTED].

Allegations #1-2 against Officer Zamojska were previously investigated by COPA². COPA recommended a finding of Exonerated for Allegation #1 to which the Chicago Police Department's Superintendent of Police concurred. COPA recommended a finding of Sustained for Allegation #2 to which the Superintendent of Police non-concurred, believing it should be Exonerated. COPA has since Exonerated Allegation #2 and served Officer Zamojska with Allegation #3 pursuant to the non-concurrence meeting with CPD. COPA finds that the allegation that Officer Zamojska searched [REDACTED] without justification in violation of the Fourth Amendment is Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Marta Zamojska, Star #8309, Employee # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1980, Female, White
Subject #1:	[REDACTED], Date of Birth: [REDACTED], 2004, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² See generally Summary Report Attachment 62.

Officer Marta Zamojska	3. Searched [REDACTED] without justification in violation of the Fourth Amendment, in violation of Rules 2, 3, 8, and 10	Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department
2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty

General Orders

1. G01-01: Mission Statement and Core Values

Special Orders

1. S04-13-09: Investigatory Stop System

Federal Laws

1. The Fourth Amendment of the United States Constitution

Illinois State Laws

1. 725 ILCS 5/108-1.01

V. INVESTIGATION^{3,4}

a. Interviews

COPA conducted Officer Marta Zamojska's #8309 ("Officer Zamojska") audio statement on March 14, 2018⁵. Officer Zamojska stated that on May 24, 2017, she was called to the scene of the traffic stop for female assistance by OEMC. Officer Zamojska stated she did not recall if OEMC provided further information other than female assistance was needed at the location.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ See generally Summary Report Attachment 62.

⁵ Officer Zamojska was accompanied by counsel of her choosing and acknowledged receipt of her previous statement given to COPA on October 5, 2017. COPA provided the audio statement via email to the 6th District on March 12, 2018.

Officer Zamojska stated that once she arrived at the traffic stop, Officers Hickey and Cereceres, Sgt. Schulz, and “a vehicle with people” were present.

Officer Zamojska stated she did not recall if she spoke to the officers on scene. Officer Zamojska stated she did not recall seeing any weapons when she arrived on scene. Officer Zamojska stated that neither the other officers nor the sergeant informed her that a civilian possessed a weapon. Officer Zamojska stated that neither the other officers nor the sergeant informed her that they believed a civilian was potentially armed and dangerous.

Officer Zamojska said that once on scene, she patted down [REDACTED] (who was standing outside near her vehicle) then stood with Sgt. Schulz. Officer Zamojska indicated that Sgt. Schulz directed and ordered her to “go check on”⁶ [REDACTED], who was sitting in the backseat of the offender’s vehicle. After reviewing her first statement and paperwork, Officer Zamojska stated that she must have known that there were narcotics recovered or otherwise she would not have been called for female assistance. Officer Zamojska stated she knew that the Sgt. Schulz had knowledge of narcotics being recovered, therefore, he directed her to [REDACTED]. Officer Zamojska stated she did not recall if Sgt. Schulz gave her any additional reason to approach [REDACTED].

When asked specifically whether Sgt. Schulz instructed her to pat down [REDACTED], Officer Zamojska stated that Sgt. Schulz only told her to “check on,”⁷ not pat down, [REDACTED]. Officer Zamojska stated she did not know what Sgt. Schulz meant by “go check on her,” but she interpreted it as “check on the female,” “check how she is doing,” and “what’s going on, maybe she would say something else to us, or something.”⁸ Officer Zamojska stated she did not know how Sgt. Schulz came to the decision that someone needed to check on [REDACTED]. Officer Zamojska stated that she did not recall whether Sgt. Schulz told her any opinion he formed about [REDACTED].

Officer Zamojska stated she did not form an opinion about [REDACTED] prior to approaching her. Officer Zamojska said that when she was in front of [REDACTED], [REDACTED] was “very nervous”⁹ and moving around as if she wanted to get out of the car. Officer Zamojska indicated that [REDACTED] told her that she had to use the restroom. Officer Zamojska stated that for everyone’s protection, she patted down [REDACTED] to make sure she had “nothing on her.”¹⁰ When asked whether there was a possibility that [REDACTED] was moving around because she had to use the restroom, Officer Zamojska answered “everything is possible.”

When asked whether she believed [REDACTED] was carrying a weapon prior to the pat down, Officer Zamojska answered, “I arrest minors with weapons. So, for my protection when she was very nervous, and from my experience when she was moving, I decided to make sure that she had nothing on her. And, when I already knew she had no weapons on her, we talk more and the narcotics were recovered.”¹¹ Officer Zamojska further stated that based on [REDACTED] body movement and the fact that she was nervous in front of police, she could have expected [REDACTED]

⁶ Attachment 72, page 8, line 1

⁷ *Id.* at page 14, lines 15-18

⁸ *Id.* at page 15, lines 3-6

⁹ *Id.* at page 16, line 15

¹⁰ *Id.* at Line 17

¹¹ *Id.* at pages 17-18, lines 18-23

to carry a weapon. Officer Zamojska also stated that “her movement, the fact that she was very nervous, made me believe that she could have some kind of weapon on her.”¹² Officer Zamojska stated additional suspicion she possessed at the time was that prior narcotics were recovered from inside the vehicle. Officer Zamojska said based on the totality of circumstances, she decided to conduct a pat down on [REDACTED] because of “narcotics that [were] recovered, her and body movements and her being very nervous.”¹³ Officer Zamojska further stated that she wanted to make sure everyone was safe and based on her experience, minors carry weapons and that was when she conducted the pat down.¹⁴

VI. ANALYSIS

COPA recommends a finding of Sustained for **Allegation #3** against Officer Zamojska, that she searched [REDACTED] without justification in violation of the Fourth Amendment. Officer Zamojska lacked sufficient reasonable suspicion to conduct a pat down of [REDACTED]. Based on the totality of the circumstances, as well as, her training and experience, it is not objectively reasonable to believe that Officer Zamojska suspected that [REDACTED] was armed and dangerous.

Since all passengers are seized for the duration of a traffic stop, an officer may, for their protection, “frisk” or pat down the passenger for weapons if they have reasonable suspicion that the suspect is armed and dangerous.¹⁵ To justify a protective pat down, the officer must reasonably believe that the person is armed and dangerous.¹⁶ The purpose of the pat down is for officer safety and not to gather evidence. Similarly, S04-13-09(c)(2) closely tracks the language of Illinois statute, 725 ILCS 5/108-1.01, which provides in relevant part that “When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons.” However, Illinois courts have interpreted 725 ILCS 5/108-1.01 to adhere to the United States Supreme Court’s Fourth Amendment jurisprudence which requires that an officer believe the individual is armed and dangerous before performing a pat down during an investigatory stop.¹⁷

A Fourth Amendment analysis must be judged against an objective standard with the whole picture considered.^{18, 19} A reasonable suspicion analysis is a fact-based analysis that must include an officer’s observations, experience, and training, as well as, look at the totality of the circumstances. The Illinois Supreme Court has held that officers can rely on the knowledge of other officers during police investigations for the purpose of conducting searches and making

¹² *Id.* at page 22, lines 21-23

¹³ *Id.* at page 23, lines 7-9

¹⁴ At the conclusion of the interview, Officer Zamojska reiterated that when she approached [REDACTED], she was “moving a lot, very nervous,” and “based on [her] experience, minors carry weapons and [she] arrest[s] minors who carry weapons,” thus she patted down [REDACTED] waist and chest. Officer Zamojska stated when she patted [REDACTED] chest, she felt a bulge which is when narcotics were recovered. Officer Zamojska stated “seconds” passed from the moment she opened [REDACTED] door and the moment she conducted the pat down. Officer Zamojska stated that she talked to and patted [REDACTED] down simultaneously.

¹⁵ *Terry v. Ohio*, 392 U.S. 1 (1968). *See also Arizona v. Johnson*, 555 U.S. 323 (2009); *Brendlin v. California*, 551 U.S. 249 (2007).

¹⁶ *People v. Jackson*, 366 Ill.Dec.164, 170 (1st Dist. 2012).

¹⁷ *See, e.g., People v. Walker*, 2013 IL App (4th) 120118.

¹⁸ *Terry*, 392 U.S. at 22.

¹⁹ *U.S. v. Cortez*, 449 U.S. 411, 418 (1981).

arrests or has the right to rely on the knowledge of the officer giving the command together with his own personal knowledge.²⁰ Also, simply stating that a pat down was conducted for officer safety alone will not justify a frisk. The officer must articulate “why” officer safety was an issue, explaining why there was a risk or danger to the officer.

██████ was a passenger of the traffic stop; accordingly, Officer Zamojska could pat down ██████ for weapons if she reasonably suspected or believed that ██████ was armed and dangerous. For the reasons below, it is not objectively reasonable to believe that Officer Zamojska suspected or believed that ██████, specifically, was armed and dangerous.

In her statement, Officer Zamojska said prior to approaching ██████ she did not form an opinion about her. It can be inferred that, at this time, Officer Zamojska did not believe ██████ to be armed and dangerous. Officer Zamojska asserted that she patted down ██████ for the following reasons: (1) ██████ was nervous in front of the police; (2) she was moving around when Officer Zamojska approached her; (3) prior narcotics were recovered; and (4) based on Officer Zamojska’s experience, minors carry weapons. She further asserted that she believed that ██████ was carrying a weapon due to ██████ being nervous and her body movements, and Officer Zamojska wanted to make sure “everyone was safe” and for everyone’s protection, she decided to pat down ██████.

At no point was it objectively reasonable for Officer Zamojska to believe that ██████ was armed and dangerous as she did not articulate any facts that would lead to that conclusion, nor were there any unarticulated facts that made this search objectively reasonable. Officer Zamojska’s explanation, as previously mentioned, does not rise to the level of reasonable articulable suspicion because ██████ behavior can be attributed to many factors, including but not limited to, her age, the fact that her parents were in the custody of the Chicago Police Department, a uniformed police officer approaching, standing and talking to her as she was seated in a vehicle, and her needing to use the restroom.

Moreover, Officer Zamojska said that one of the reasons she patted down ██████ was because prior narcotics were recovered. A limitation on *Terry* stops is that an officer cannot pat down an individual to find evidence. An officer is limited to a pat down if the officer believes the individual is carrying a weapon. Officers cannot extend the length of a traffic stop to conduct a fishing expedition to determine if more evidence is present without justification to allow a search. Per her statement, it appears that Officer Zamojska was conducting a fishing expedition to gather additional narcotics, not to determine whether ██████ possessed a weapon. Without more articulated reasoning, it was unreasonable for Officer Zamojska to believe ██████ was armed and dangerous.

Officer Zamojska could have relied on other CPD members’ knowledge combined with her own personal knowledge for the purpose of conducting a pat down. However, per Officer Zamojska’s statement, neither the other officers nor her sergeant told her that a civilian possessed a weapon or that they believed a civilian was potentially armed and dangerous. Furthermore, she herself did not see any civilian with a weapon.

²⁰ *People v. Peak*, 29 Ill. 2d 343, 349 (Ill. 1963).

Officer Zamojska admitted that Sgt. Schulz did not order her to pat down [REDACTED], just to “check on,” her, which she interpreted essentially as a well-being and evidentiary check, which is evidenced by her statement when she said, “check how she is doing” and “what is going on, maybe she will say something else to us, or something.” Based on this statement, it can be inferred that Officer Zamojska sought to gather evidence when she was “checking on” [REDACTED], which was not a valid reason for the pat down. The other officers and sergeant did not relay any information or impression that [REDACTED] was armed and dangerous, so Officer Zamojska’s beliefs about [REDACTED] were all her own. Officer Zamojska also stated that she did not know how Sgt. Schulz came to the decision to “check on” [REDACTED]. Officer Zamojska did not possess any facts or personal knowledge that would lead her to reasonably believe that [REDACTED] was armed and dangerous.

When looking at the totality of the circumstances Officer Zamojska did not articulate any facts that would lead to a belief that an objectively reasonable officer would have thought that [REDACTED] was armed and dangerous. In fact, to the contrary, it can be argued that an objectively reasonable officer would have sought to comfort and console [REDACTED], a 12 year old girl, who was bearing witness to her father’s arrest and her mother’s detention. Officer Zamojska did not have justification to pat down and subsequently search [REDACTED], which is a strict violation of the Fourth Amendment, CPD’s General and Special Orders, and Illinois State Law. Therefore, COPA recommends a finding of Sustained for Allegation #1 against Officer Zamojska.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Marta Zamojska	3. Searched [REDACTED] without justification in violation of the Fourth Amendment, in violation of Rules 2, 3, 8, and 10	Sustained

Approved:

[REDACTED]

Shannon Hayes
Acting Deputy Chief Administrator – Chief
Investigator

4/24/18
Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	Anish Shah
Supervising Investigator:	Erica Sangster
Acting Deputy Chief Administrator:	Shannon Hayes

SUPPLEMENTAL SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 24, 2017
Time of Incident:	6:30 PM
Location of Incident:	7528 S. LaFayette Ave., Chicago, Illinois
Date of COPA Notification:	May 31, 2017
Time of COPA Notification:	12:10 PM

On May 24, 2017 at 6:30 p.m. around 7528 S. LaFayette Ave., Chicago, Illinois, [REDACTED] ("[REDACTED]"), [REDACTED] ("[REDACTED]"), and their 12-year-old daughter, [REDACTED] ("[REDACTED]"), were stopped for a traffic violation by Officers Anthony Cereceres #19293, James Hickey #11523 and Sergeant Anthony Schulz #887. Officers Marta Zamojska #8309 and Marissa Garbacz #17624 were called to the scene for female assistance. Once Officer Zamojska arrived, she conducted a pat down of both [REDACTED] and [REDACTED]. The evidence demonstrates that Officer Zamojska's search of [REDACTED].

II. INVOLVED PARTIES

Involved Officer #1:	Marta Zamojska, Star #8309, Employee # [REDACTED], Date of Appointment: [REDACTED] 9, 2013, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1980, Female, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Marta Zamojska	3. Searched [REDACTED] without justification in violation of Rules 2, 3, 8, and 10	Sustained/2 Day Suspension and Training

¹ This summary report details COPA's investigation relative to Allegation #3 against Officer Marta Zamojska, that she searched [REDACTED] without justification. COPA agreed to conduct additional investigation in response to two non-concurrences filed by the Department. The Department and COPA already agree on the findings for all other allegations served under Log # 1085406 and therefore those allegations are not addressed in this Supplemental Summary Report of Investigation.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department
2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty

General Orders

1. G01-01: Mission Statement and Core Values

Special Orders

1. S04-13-09: Investigatory Stop System²

V. INVESTIGATION

a. Interviews

In [REDACTED] ("[REDACTED]") audio statement³ to IPRA conducted on June 1, 2017, [REDACTED] stated that she, [REDACTED], and [REDACTED] were stopped by police officers when traveling to their house. [REDACTED] stated that when they were pulled over, the officers approached their vehicle with their "guns out." [REDACTED] stated that the officers told them to put their hands in the air, which they did. [REDACTED] stated she told the officer that [REDACTED] was in the vehicle and that the officer subsequently holstered his weapon. [REDACTED] stated the officer opened her door. [REDACTED] stated the officers questioned her and [REDACTED]. [REDACTED] indicated that an officer asked [REDACTED] whether he had his license, but [REDACTED] did not have it. [REDACTED] stated that the officer handcuffed [REDACTED], searched him, and placed him into a police vehicle. [REDACTED] stated she attempted to see [REDACTED] interaction with the officers, but the sergeant told her to turn around.

[REDACTED] stated that she and [REDACTED] exited the vehicle and officers searched it. [REDACTED] stated an officer found a rolled "blunt" in the passenger's door. [REDACTED] stated that an officer asked her if she had additional contraband on her and that she answered, "no." [REDACTED] stated that the officers re-searched the vehicle but did not find additional contraband. While outside, [REDACTED] stated an officer called for a female officer to come to the scene. [REDACTED] stated that the female officer searched [REDACTED] and found cannabis in [REDACTED] bra. [REDACTED] then stated she does not know whether [REDACTED] was patted down or whether [REDACTED] willingly gave the cannabis to the officer. [REDACTED] said that the female officer asked [REDACTED] where she got the cannabis from and [REDACTED] said from [REDACTED]. [REDACTED] stated that the female officer neither asked nor told [REDACTED] that she would search

² This report cites the version of S04-13-09 in effect on May 24, 2017. Special Order S04-13-09 was subsequently modified.

³ Attachment 4

██████████. ██████████ stated she did not see the female officer search ██████████. ██████████ stated that she did not know that the female officer searched and talked to ██████████. ██████████ said that she does not know whether the officers asked or told ██████████ that the officers would search or talk to ██████████ because ██████████ was inside the police vehicle.

██████████ stated that the male officers then called ██████████ and ██████████ “stupid motherfuckers” and stated, “why would he give the cannabis to his daughter.” ██████████ stated the male officers again called her and ██████████ “stupid motherfuckers” and that “they do not care about their daughter.” ██████████ stated that when she was trying to get her belongings from the vehicle, the officers told her that “[her daughter] got more fucking common sense than you.” ██████████ stated that the officers arrested ██████████, took their vehicle for impoundment, and released her and ██████████.

IPRA and COPA contacted ██████████ public defender and private attorney via telephone and electronic mail numerous times to interview ██████████; however, the attempts were met with negative results.⁴

Officer Anthony Cereceres’ (“Officer Cereceres”) audio statement⁵ to COPA was conducted on October 24, 2017. Officer Cereceres stated he approached the passenger side of ██████████ and ██████████ vehicle stating, “show me your hands” and “show me your fucking hands.” Officer Cereceres said he did not hear the other officers use profanity when approaching the vehicle. Officer Cereceres stated he does not recall if anyone had their weapon displayed. Officer Cereceres stated he saw a blunt on the passenger door. Officer Cereceres described ██████████ as nervous because she was stuttering and was not directly answering his questions. Officer Cereceres stated that after ██████████ exited the vehicle, he patted her down and asked ██████████ questions related to the drugs in the vehicle. Officer Cereceres stated he did not use profanity at this time. Officer Cereceres stated he searched the passenger side of the vehicle and did not find additional contraband. Officer Cereceres stated that Sgt. Schulz came to the passenger side of the vehicle when he was speaking to ██████████ and ██████████ went towards the back of the vehicle with Sgt. Schulz.

Officer Cereceres stated that he opened the rear passenger door because he heard ██████████ crying. Officer Cereceres said he talked to ██████████ to calm her down. Officer Cereceres stated that ██████████ said she did not want her parents to go to jail. Officer Cereceres stated that he did not ask ██████████ or ██████████ for permission to speak ██████████. Officer Cereceres stated that he did not search or conduct a pat down on ██████████. After Officers Zamojska and Garbacz arrived, Officer Cereceres stated that Officer Zamojska went towards ██████████ but he did not hear the conversation between them. Officer Cereceres stated that Officer Zamojska recovered cannabis from ██████████, but he does not know whether Officer Zamojska searched ██████████ or whether ██████████ gave the cannabis to Officer Zamojska.

Officer Cereceres stated that Officer Hickey handcuffed ██████████. Officer Cereceres stated he does not recall if ██████████ complained about the handcuffs. Officer Cereceres stated he did not hear ██████████ ask other officers to loosen the handcuffs. Officer Cereceres said he did not see

⁴ Attachment 61

⁵ Attachment 49

injuries on [REDACTED], and that Officer Hickey did not say anything about injuries to him. Officer Cereceres indicated that he did not hear Sgt. Schulz or Officer Hickey use profanity.

Officer James Hickey's ("Officer Hickey") audio statement⁶ to COPA was conducted on October 24, 2017. Officer Hickey stated he approached the driver's side of [REDACTED] and [REDACTED] vehicle with Sgt. Schulz. Officer Hickey stated he did not use profanity when approaching the vehicle. Officer Hickey stated he does not recall what Sgt. Schulz said when approaching the vehicle. Officer Hickey stated that the officers did not have their weapons unholstered. Officer Hickey said that Sgt. Schulz had his Taser positioned in the low ready position. After hearing Officer Cereceres' verbal commands, Officer Hickey stated he opened the driver's door to get a clear view of inside the vehicle because the windows were dark. Officer Hickey stated that [REDACTED] was "basically just sitting in the driver's seat." Officer Hickey stated he asked [REDACTED] for his driver's license and [REDACTED] responded that [REDACTED] did not have one. Officer Hickey stated that [REDACTED] exited the vehicle and Officer Hickey placed him into custody. Officer Hickey stated that he told [REDACTED] to step to the back of the vehicle. Officer Hickey stated he did not use profanity at this point. Once [REDACTED] was at the rear of the vehicle, Officer Hickey stated he conducted a protective pat down on [REDACTED]. Officer Hickey said he spoke to Sgt. Schulz, who ran Jackson's identification over the radio. Officer Hickey said the dispatcher informed Sgt. Schulz that Jackson did not have a valid driver's license, therefore, Sgt. Schulz decided [REDACTED] would be arrested. Officer Hickey stated that [REDACTED] never resisted.

Officer Hickey stated he does not know what Officer Cereceres was doing once Officer Hickey was with [REDACTED]. Officer Hickey stated that Officers Zamojska and Garbacz patted down [REDACTED] after they arrived. Officer Hickey stated that he does not know Officer Zamojska's actions after the pat down of [REDACTED].

Officer Marta Zamojska's ("Officer Zamojska") audio statement⁷ to COPA was conducted on October 5, 2017. Officer Zamojska stated that she was called for female assistance. Once she arrived, Officer Zamojska stated she patted down [REDACTED] and during the pat down she did not speak to [REDACTED] about [REDACTED]. Officer Zamojska stated she talked to Sgt. Schulz but does not recall what was said. Officer Zamojska stated she learned that [REDACTED] was in the vehicle and Sgt. Schulz told Officer Zamojska to check on [REDACTED]. Officer Zamojska said that she did not ask [REDACTED] or [REDACTED] for permission prior to approaching [REDACTED]. Officer Zamojska said she does not recall where [REDACTED] and [REDACTED] were at this time. Officer Zamojska stated that [REDACTED] did not know her exact age but described her as a minor. Officer Zamojska stated that she asked [REDACTED] whether she had anything on her because [REDACTED] was nervous. [REDACTED] said no. Officer Zamojska stated she does not recall if she asked [REDACTED] anything else. Officer Zamojska stated she patted down [REDACTED] waist, stomach, and chest. Officer Zamojska stated that she conducted a pat down on [REDACTED] because (1) she was called for female assistance and [REDACTED] is a female; (2) Sgt. Schulz told her to check on [REDACTED]; (3) [REDACTED] was "very nervous;" and (4) she has experience where minors carry weapons. Officer Zamojska indicated that she "felt a bulge on [REDACTED]s chest." Officer Zamojska said that narcotics were then recovered. Officer Zamojska stated that [REDACTED] was compliant and [REDACTED] continued to repeat that she had to use the

⁶ Attachment 54

⁷ Attachment 44

restroom. Officer Zamojska stated that [REDACTED] told her that [REDACTED] gave her the narcotics. After the narcotics were recovered, Officer Zamojska stated she was calming [REDACTED] down and talked about school with her.

Officer Zamojska stated that [REDACTED] was already handcuffed and in custody when she arrived at the scene. Officer Zamojska stated she does not recall if [REDACTED] said anything to her when she transported him to the district. Officer Zamojska stated that she does not recall if [REDACTED] complained about anything during the transport. Officer Zamojska stated that [REDACTED] did not complain about anything at the district. Officer Zamojska stated that she does not recall if [REDACTED] said anything about handcuffs. Officer Zamojska stated she did not see any weapons or hear profanity.

COPA re-interviewed **Officer Marta Zamojska's #8309 ("Officer Zamojska")** on March 14, 2018.⁸ Officer Zamojska stated that on May 24, 2017, she was called to the scene of the traffic stop for female assistance by OEMC. Officer Zamojska stated she did not recall if OEMC provided further information other than that female assistance was needed at the location. Officer Zamojska stated that once she arrived at the traffic stop, Officers Hickey and Cereceres, Sgt. Schulz, and "a vehicle with people" were present.

Officer Zamojska stated she did not recall if she spoke to the officers on scene. Officer Zamojska stated she did not recall seeing any weapons when she arrived on scene. Officer Zamojska stated that neither the other officers nor the sergeant informed her that a civilian possessed a weapon. Officer Zamojska stated that neither the other officers nor the sergeant informed her that they believed a civilian was potentially armed and dangerous.

Officer Zamojska said that once on scene, she patted down [REDACTED] (who was standing outside near her vehicle) then stood with Sgt. Schulz. Officer Zamojska indicated that Sgt. Schulz directed and ordered her to "go check on"⁹ [REDACTED], who was sitting in the backseat of the offender's vehicle. After reviewing her first statement and paperwork, Officer Zamojska stated that she must have known that there were narcotics recovered or otherwise she would not have been called for female assistance. Officer Zamojska stated she knew that the Sgt. Schulz had knowledge of narcotics being recovered, therefore, he directed her to [REDACTED]. Officer Zamojska stated she did not recall if Sgt. Schulz gave her any additional reason to approach [REDACTED].

When asked specifically whether Sgt. Schulz instructed her to pat down [REDACTED], Officer Zamojska stated that Sgt. Schulz only told her to "check on,"¹⁰ not pat down, [REDACTED]. Officer Zamojska stated she did not know what Sgt. Schulz meant by "go check on her," but she interpreted it as "check on the female," "check how she is doing," and "what's going on, maybe she would say something else to us, or something."¹¹ Officer Zamojska stated she did not know how Sgt.

⁸ COPA conducted the second statement of Officer Zamojska after the Department did not concur with COPA's finding and recommendation, per its letter on February 22, 2018. Officer Zamojska was accompanied by counsel of her choosing and acknowledged receipt of her previous statement given to COPA on October 5, 2017. COPA provided the audio statement via email to the 6th District on March 12, 2018.

⁹ Attachment 72, page 8, line 1

¹⁰ *Id.* at page 14, lines 15-18

¹¹ *Id.* at page 15, lines 3-6

Schulz came to the decision that someone needed to check on [REDACTED]. Officer Zamojska stated that she did not recall whether Sgt. Schulz told her any opinion he formed about [REDACTED].

Officer Zamojska stated she did not form an opinion about [REDACTED] prior to approaching her. Officer Zamojska said that when she was in front of [REDACTED] [REDACTED] was "very nervous"¹² and moving around as if she wanted to get out of the car. Officer Zamojska indicated that [REDACTED] told her that she had to use the restroom. Officer Zamojska stated that for everyone's protection, she patted down [REDACTED] to make sure she had "nothing on her."¹³ When asked whether there was a possibility that [REDACTED] was moving around because she had to use the restroom, Officer Zamojska answered "everything is possible."

When asked whether she believed [REDACTED] was carrying a weapon prior to the pat down, Officer Zamojska answered, "I arrest minors with weapons. So, for my protection when she was very nervous, and from my experience when she was moving, I decided to make sure that she had nothing on her. And, when I already knew she had no weapons on her, we talk more and the narcotics were recovered."¹⁴ Officer Zamojska further stated that based on [REDACTED] body movement and the fact that she was nervous in front of police, she could have expected [REDACTED] to carry a weapon. Officer Zamojska also stated that "her movement, the fact that she was very nervous, made me believe that she could have some kind of weapon on her."¹⁵ Officer Zamojska stated additional suspicion she possessed at the time was that prior narcotics were recovered from inside the vehicle. Officer Zamojska said based on the totality of circumstances, she decided to conduct a pat down on [REDACTED] because of "narcotics that [were] recovered, her and body movements and her being very nervous."¹⁶ Officer Zamojska further stated that she wanted to make sure everyone was safe and based on her experience, minors carry weapons and that was when she conducted the pat down.¹⁷

Sgt. Anthony Schulz's ("Sgt. Schulz") audio statement¹⁸ to COPA was conducted on November 3, 2017. Sgt. Schulz stated that while he approached [REDACTED] and [REDACTED] vehicle, he heard Officer Cereceres saying "hands, hands, show me your hands, stop moving, show me your hands." Sgt. Schulz stated that he did not give any verbal commands when approaching. Sgt. Schulz stated that [REDACTED] appeared to be nervous because of the "look on his face" and "the way he was turning his head and body." Sgt. Schulz stated that [REDACTED] followed the order to put his hands up. Sgt. Schulz stated that he pulled his Taser out for officer safety because he heard Officer Cereceres saying verbal commands. Sgt. Schulz stated he pointed his Taser in various directions, including at [REDACTED]. Sgt. Schulz stated that "it is up to the individual officer" and "the totality of

¹² *Id.* at page 16, line 15

¹³ *Id.* at Line 17

¹⁴ *Id.* at pages 17-18, lines 18-23

¹⁵ *Id.* at page 22, lines 21-23

¹⁶ *Id.* at page 23, lines 7-9

¹⁷ At the conclusion of the interview, Officer Zamojska reiterated that when she approached [REDACTED], she was "moving a lot, very nervous," and "based on [her] experience, minors carry weapons and [she] arrest[s] minors who carry weapons," thus she patted down [REDACTED] waist and chest. Officer Zamojska stated when she patted [REDACTED] chest, she felt a bulge which is when narcotics were recovered. Officer Zamojska stated "seconds" passed from the moment she opened [REDACTED]'s door and the moment she conducted the pat down. Officer Zamojska stated that she talked to and patted [REDACTED] down simultaneously.

¹⁸ Attachments 59 and 60

circumstances” when drawing their Taser. Sgt. Schulz stated that the vehicle’s windows were tinted enough that he was unable to have a clear view inside the vehicle. Sgt. Schulz stated that [REDACTED] was arrested. Sgt. Schulz stated that he did not speak to [REDACTED] and had no interaction with [REDACTED] once he was placed into custody.

Sgt. Schulz stated he spoke to [REDACTED] about her identification, the traffic stop, and keeping her hands on the vehicle. Sgt. Schulz stated he did not use profanity towards [REDACTED]. Sgt. Schulz stated he saw Officer Cereceres talking to [REDACTED], but he did not hear the conversation. Once Officers Zamojska and Garbacz arrived, Sgt. Schulz indicated that [REDACTED] was placed in their vehicle. Sgt. Schulz stated that Officer Zamojska spoke to [REDACTED] but did not hear their conversation. Sgt. Schulz stated that Officer Zamojska approached and spoke to [REDACTED] because [REDACTED] was upset, crying, and nervous. Sgt. Schulz stated that Officer Zamojska told him that [REDACTED] had cannabis on her. Sgt. Schulz stated he did not use profanity during this incident. Sgt. Schulz stated he does not recall the other officers using profanity, but after watching the video footage, he heard Officer Cereceres say “fucking” once.

On August 29, 2018, **COPA re-interviewed Sergeant Anthony Schulz.**^{19, 20} The purpose of the interview was to clarify statements made by and the intent of Sergeant Schulz, relative to the pat-down of minor, [REDACTED], by Officer Marta Zamojska on May 24, 2017.

At the inception of the interview, Sergeant Schulz acknowledged receipt of his previous statement. Sergeant Schulz stated that Officer [Anthony] Cereceres and Officer [James] Hickey conducted a traffic stop of the vehicle driven by [REDACTED] at approximately 6:30 pm, at or around 7528 S. Lafayette Avenue. He further stated that he came to the traffic stop to assist, as he had been following Officers Cereceres and Hickey around as they patrolled. He stated that at some point during the traffic stop, he made the decision to call for female assistance on scene. He stated that he called for a female officer to come to the scene to pat-down the *front seat passenger*²¹ of the vehicle. Sergeant Schulz identified that front seat passenger as [REDACTED]. He stated that in addition to [REDACTED] and [REDACTED], there was a minor in the backseat of the vehicle. Sergeant Schulz stated that he did not recall the age of the minor.

Sergeant Schulz stated that after his call for female assistance, Officer Zamojska responded to the scene. Sergeant Schulz stated that he knew Officer Zamojska prior to her scene response but could not recall whether he requested that she specifically come to the scene. Sergeant Schulz could not recall whether Officer Zamojska was with a partner officer when she arrived. Sergeant Schulz stated that when Officer Zamojska arrived, she conducted a pat-down of the front seat passenger ([REDACTED]). He stated that he was logistically in the vicinity of Officer Zamojska and [REDACTED] while she conducted the pat-down of [REDACTED] but could not recall if he viewed the pat-down.

When questioned about what Officer Zamojska did after the pat-down of [REDACTED], specifically with respect to the minor, Sergeant Schulz stated that he did not recall and rested on

¹⁹ Attachment 76. This investigative file was re-opened and additional investigative steps were taken based on arguments made by the Superintendent in his Non-concurrence letter dated May 22, 2018.

²⁰ This investigative file was re-opened and additional investigative steps were taken based on arguments made by the Superintendent in his Non-concurrence letter dated May 22, 2018.

²¹ Emphasis added

his previous statement. When asked whether he recalled if he specifically told Officer Zamojska to go “check on” the minor, Sergeant Schulz replied that he did not recall. When asked what he could have meant, if he *did* say that to Officer Zamojska, Sergeant Schulz said that he rested on his previous statement. Upon inquiry as to whether Sergeant Schulz ever specifically told Officer Zamojska to pat-down the minor, Sergeant Schulz answered that the incident happened so long ago that he did not recall and rested on his previous statement. When asked whether while on scene he believed the minor to be armed and/or dangerous, Sergeant Schulz stated that he did not recall.

Officer Marissa Garbacz’s (“Officer Garbacz’s”) audio statement²² to COPA was conducted on September 22, 2017. Officer Garbacz stated that she was called to search a female. When she arrived, Officer Garbacz stated that one of the officers asked her to place [REDACTED] in her vehicle. Officer Garbacz stated she was with [REDACTED] majority of the time while at the scene. Officer Garbacz said that [REDACTED] did not say anything to her. Officer Garbacz stated she did not see Officer Zamojska search anyone. Officer Garbacz stated she saw the rear passenger door open with Officer Zamojska looking into the vehicle. Officer Garbacz stated that Officer Zamojska later told her that Officer Zamojska conducted a pat down on [REDACTED], [REDACTED] unzipped her hoodie, Officer Zamojska saw a bulge, and found cannabis underneath [REDACTED] shirt. Officer Garbacz stated she approached [REDACTED] and Officer Zamojska once [REDACTED] exited the vehicle. Officer Garbacz stated they talked about school and told [REDACTED] that “everything would be okay” because she was nervous. Officer Garbacz stated she did not hear Officer Zamojska ask [REDACTED] about drugs or the traffic stop until Officer Zamojska later told her.

b. Digital Evidence

Officer Cereceres’ Body-Worn Camera²³ (“BWC”) depicts him approaching the passenger side saying “hands, hands, hands, let me see your hands, don’t fuck around...” Officer Cereceres is seen looking inside the vehicle and finding a blunt in the passenger door. At this moment, an officer is heard referring to his Taser. Officer Cereceres searches and questions [REDACTED]. Officer Cereceres is shown searching the front passenger area. [REDACTED] is heard telling [REDACTED] to stop crying. Officer Cereceres is heard asking [REDACTED] about the cannabis in the vehicle while her daughter is occupying it. [REDACTED] says [REDACTED] does not have a license. Sgt. Schulz is seen arriving to the rear passenger side and Officer Cereceres tells [REDACTED] to step with Sgt. Schulz. Officer Cereceres asks [REDACTED] two questions and turns off his BWC.

Officer Hickey’s BWC²⁴ depicts him approaching the driver side. He opens the door and [REDACTED] is seen with his hands in the air. An officer is then heard saying, “Want me to [inaudible] Taser at you.”

Sgt. Schulz’s BWC²⁵ depicts Sgt. Schulz standing behind Officer Hickey with his Taser in his right hand. The video shows [REDACTED] with his hands in the air, exiting the vehicle, and Officer Hickey handcuffing [REDACTED]. Sgt. Schulz walks to the other side of the vehicle and steps towards

²² Attachment 39

²³ Attachment 28

²⁴ *Id.*

²⁵ *Id.*

the back with [REDACTED]. Sgt. Schulz and [REDACTED] are heard talking about why [REDACTED] and [REDACTED] were stopped. Sgt. Schulz is heard providing [REDACTED] information over the radio. The dispatcher is heard saying [REDACTED] does not have a valid driver's license. There is no profanity heard in Sgt. Schulz's BWC.

Officers Zamojska and Garbacz's in-car camera²⁶ depicts [REDACTED] handcuffed in the back seat. The video depicts [REDACTED] moving in the back seat. [REDACTED] is heard yelling and swearing. A female officer is heard speaking to [REDACTED]. The female officer is heard: (1) asking [REDACTED] "do you have anything on you;" (2) telling [REDACTED] to "remove everything from your pocket;" (3) telling [REDACTED] not to be scared; (4) telling [REDACTED] to "open the zipper;" (5) calling for the sergeant after saying "oh damn;" and (6) asking [REDACTED] "what you gave me is that it, do you have anything else on you?" A male officer is heard speaking to [REDACTED] about what was found. [REDACTED] begins to cry and the female officer is calming her down. Many aspects of the video are inaudible due to noise.

c. Documentary Evidence

[REDACTED] **Arrest Report**²⁷, CB # [REDACTED], dated May 24, 2017, and the **Original Case Incident Report**²⁸, RD # [REDACTED], indicate Officers Cereceres and Hickey curbed Jackson for a traffic violation. [REDACTED] was unable to produce a valid driver's license or proof of insurance; therefore, he was placed into custody. Officer Hickey recovered cannabis in [REDACTED] pocket, and Officer Cereceres recovered a rolled-up cigar containing cannabis in the passenger side door. Officer Zamojska recovered a bag of cannabis from under [REDACTED] sweatshirt. The reports state that [REDACTED] related that her father saw the police vehicle and handed [REDACTED] a bag of drugs to hide for him. [REDACTED] stated, without being asked, "all the weed is mine." The reports indicate [REDACTED] was transported to the 6th District for processing. The charges listed on the reports relate to traffic violations and cannabis.

IPRA requested **Crime Scene/Evidence photographs**; however, CPD Forensic Services' Photography Team stated that no photographs related to the case are on file.²⁹

IPRA conducted a **POD search**³⁰ around the incident location; however, there are no PODs in the area that would have captured the incident.

On July 12, 2017, IPRA requested **video footage** from the 6th District's processing and interview rooms for May 24, 2017. However, the requested video footage has a thirty-day retention period and was no longer available at the date of request.³¹

VI. ANALYSIS

²⁶ *Id.*

²⁷ Attachment 7

²⁸ Attachment 8

²⁹ Attachments 23 and 26

³⁰ Attachment 30

³¹ Attachments 27 and 32

COPA recommends a finding of Sustained for **Allegation #3** against Officer Zamojska, that she searched [REDACTED] without justification.

a. Preponderance of the Evidence Standard

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.

b. Protective Pat Down Standard³²

Special Order S04-13-09 outlines the Department's policy for conducting protective pat downs. To conduct a valid protective pat down, a sworn member must possess specific and articulable facts (i.e. reasonable suspicion), combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.³³ The reasonableness of a protective pat down must be judged against an objective standard taking into account the totality of the circumstances.

Special Order specifically notes that a protective pat down is a search for weapons and not "a general exploratory search for evidence of criminal activity."³⁴ Moreover, Department policy expressly limits the scope of a protective pat down to "the outer clothing of the subject," and expressly prohibits officers from going "into the pockets of the subject" or reaching "underneath the outer surface of the garments" while performing a protective pat down.³⁵

c. Officer Zamojska's search of [REDACTED] violated Special Order S04-13-09.

1. There is no evidence that Sgt. Schulz ordered Officer Zamojska to search [REDACTED]³⁶

Sgt. Schulz specifically recalled that he requested a female officer come to the scene to conduct a protective pat-down the front seat passenger, [REDACTED].³⁷ Sgt. Schulz could not recall whether he directly ordered Officer Zamojska to pat-down [REDACTED] or whether he provided any commands to Officer Zamojska regarding [REDACTED]. However, it is plainly evident from Sgt. Schulz's behavior during the incident that he did not believe that [REDACTED] possessed any weapon

³² Neither Officer Zamojska nor the Department has asserted that any other type of search was permitted under the circumstances and the evidence demonstrates that no other type of search was appropriate or permitted under the circumstances.

³³ Special Order S04-13-09(II)(C)(1)

³⁴ Special Order S04-13-09(II)(B)

³⁵ Special Order S04-13-09(VI)(A)(2)

³⁶ The Department asserted in one of its non-concurrences that Officer Zamojska could not be disciplined for the protective pat-down because she was following Sgt. Schulz's direct order.

³⁷ The protective pat down of [REDACTED] did not violate Department policy and is not at issue.

or posed any danger to the officers. Unlike [REDACTED] who Sgt. Schulz ordered to keep her hands on the outside of the vehicle prior to the arrival of Officers Zamojska and Garbacz, Sgt. Schulz permitted [REDACTED] to sit, alone and entirely unsupervised, inside the vehicle for at least 10 minutes. It is implausible that Sgt. Schulz, a supervisor, believed that [REDACTED] possessed a weapon or posed a danger of attack and nonetheless left her alone and unsupervised inside the vehicle.³⁸ More importantly, Officer Zamojska stated that Sgt. Schulz simply told her to "check on" [REDACTED] and that she did not interpret Sgt. Schulz's statement to go "check on" [REDACTED] as a command to pat down [REDACTED].³⁹

2. Under the totality of circumstances, it was unreasonable for Officer Zamojska to believe that [REDACTED] was armed and dangerous or that [REDACTED] posed a threat of attack

Officer Zamojska asserted that she patted down [REDACTED] because (1) [REDACTED] was nervous in front of the police; (2) [REDACTED] was moving around when Officer Zamojska approached her; (3) prior narcotics were recovered at the scene; and (4) based on Officer Zamojska's experience, minors carry weapons. Officer Zamojska stated she wanted to make sure "everyone was safe" and that for everyone's protection, she decided to pat down [REDACTED].

When looking at the totality of the circumstances, an objectively reasonable officer would not have believed that [REDACTED] was armed and dangerous or presented a danger of attack and therefore would not have conducted a protective pat down of [REDACTED]. Importantly, it is irrelevant whether an objectively reasonable officer may have believed that [REDACTED] possessed evidence of a crime. As expressly stated in Special Order S04-13-09 and consistent with Illinois state law and the United States Constitution, the only legitimate purpose of a protective pat-down is to search for weapons and a protective-pat down is not a general exploratory search for evidence of a crime. When assessing the risk that [REDACTED] was either armed and dangerous or presented a danger of attack, a reasonable officer would have accounted for the fact that [REDACTED] was a *twelve* year old girl and that there were a number of entirely innocuous reasons that [REDACTED] was nervous and moving around as Officer Zamojska approached, including the fact that her parents were in the custody of the Chicago Police Department, a uniformed police officer that she did not know approached her, and she needed to use the restroom. Officer Zamojska began patting down [REDACTED] almost immediately after approaching [REDACTED], without any legitimate basis to believe that [REDACTED] possessed a weapon.

3. Officer Zamojska

³⁸ If Sgt. Schulz had any legitimate reason to believe that [REDACTED] had a weapon or presented a danger of attack, Sgt. Schulz's inaction (i.e. leaving [REDACTED] alone and unsupervised in a vehicle) would have shown a reckless disregard for the safety of the officers at the scene and clearly violated Department rules including Rule 10 (Inattentive to Duty). Because there is no evidence that Sgt. Schulz had any reason to believe that [REDACTED] had a weapon or presented a danger of attack or that Sgt. Schulz subjectively believed that [REDACTED] had a weapon or presented a danger of attack, COPA did not serve any such allegation against Sgt. Schulz. The Department has also not requested that COPA serve any such allegation against Sgt. Schulz.

³⁹ It also would have been entirely unreasonable for Officer Zamojska to interpret Sgt. Schulz's statement to "check on" [REDACTED] as a command to conduct protective pat down.

Finally, even assuming *arguendo* that a reasonable officer would have believed that [REDACTED] was armed and dangerous or presented a danger of attack (they would not have), Officer Zamojska clearly violated Special Order S04-13-09 by ordering [REDACTED] to empty her pockets and to open her zipper. Special Order S04-13-09 expressly limits the scope of a protective pat-down to the outer clothing of the subject. Officer Zamojska's commands impermissibly expanded the scope of the search beyond the type protective pat down authorized by Special Order S04-13-09.

For all these reasons, COPA recommends sustaining **Allegation #3** against Officer Zamojska.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Complimentary and Disciplinary History

Officer Zamojska received (1) Problem Solving Award, (4) Emblems of Recognition for physical fitness, (2) awards for Department Commendation, (12) Honorable Mentions and (1) Joint Operations Award.

Officer Zamojska has no disciplinary history.

b. Recommended Penalty by Allegation

For Allegation #3, COPA recommends a 2 Day Suspension and additional training on proper search and seizure.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Marta Zamojska	3. Searched [REDACTED] without justification in violation of the Fourth Amendment, in violation of Rules 2, 3, 8, and 10	Sustained/2 Day Suspension and Training

Approved:

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

11-8-18

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	Anish Shah
Supervising Investigator:	Erica Sangster
Acting Deputy Chief Administrator:	Angela Hearts-Glass